REMARKS

Examiner Pavitra Kotini has been unfair to us. She keeps finding new grounds of rejection based on obviousness (35 USC 103) and makes it final every time. It appears to us that regardless of how strongly we overcome these rejections she will find new grounds for rejection and she will make them final again. Be that as it may, we will show again to the examiner that the new grounds for rejection are in fact even weaker than the previous grounds for rejection which the applicants overcame twice as witnessed by examiner Kotini.

Claims 1, 13-15, 17, 23, 24 were rejected under 35 USC 103(a), as being unpatentable over Nagai (US-6428572) in view of Krishnan (US6664335). We respectfully disagree with examiner's assertion for the following reasons:

1-Nagai (US-6428572) does not disclose an **encircling scleral band** apparatus for correcting retinal detachment but an open intraocular ring for crystalline lens capsular shape retention during cataract surgery (abstract, claims 1,2,3,4,5,6,7,8,9 and in 142 other places in his 41 pages of disclosure).

2-Despite Examiner's claim (paragraph 2 page 3 of current office action, fig1,1), Nagai in his 41 pages of patent never uses **encircling, scleral** or **band** because his ring is not encircling anything and is not a band. His ring is openly placed inside the eyeball crystalline lens capsule to maintain the lenticular capsule's shape during intraocular lens replacement in cataract surgery.

3-Our encircling scleral band is for **extraocular use** because it does not go into/inside the eyeball but it does encircle the eyeball (sclera) from without/outside. The problem with the examiner's evaluation is that the examiner does not appear to know ophthalmology and detailed internal structure of the eye. It is unbelievable that the examiner talks about obviousness of our ophthalmological invention over others while the examiner appears to have very little knowledge of the anatomy of the mammalian eye that even does not know the difference between

extraocular devices and **intraocular devices**. Ours is an **extraocular device** and does not go inside the eyeball and is encircling the eyeball from outside and not inside the lenticular capsule of the eye.

4-Nagai's device is an **intraocular ring** that is placed inside the eye and eye's crystalline lens capsule (very invasive surgical procedure) to prevent the capsule from collapsing and thus exerts no encircling compressive force. Examiner talks about fig1,1 as a band, fig1,10 as a hole, fig1,2 as a buckle. Despite examiners' claim Nagai in his 41 pages of patent description never mentions **a buckle, snap-on, a peg or a hole** in his 41 pages of patent but talks about the engaging the **male part M and female part F** (see for example the abstract or column 4 lines 48 and 49 among others). His male M and female F parts are engaged to close the ring inside the capsular frame to prevent the capsule from collapsing during cataract surgery, while our **snap-on custom-made peg or buckle is for a different purpose and is to indent the sclera inward by compression over a retinal tear region of the eye to reattach the retina to choroid.**

5-There is absolutely no possibility that Nagai's ring can reattach a retinal tear. We challenge the examiner again to contact Nagai and ask him or her if his open ring can correct a retinal tear. We are at a loss as to how the examiner is drawing such wrong conclusions from Nagai's patent and determines our patent as an obvious extension over his.

6-As the examiner observes Nagai in his 41 pages of disclosure never mentions **a peg, a hole, snap-on, encircling, scleral, band, retinal tear and reattachment, buckle, medical grade, heat shrink, etc.** We respectfully ask the examiner to reconsider her rejection of these claims.

7-The remaining rejections of claims 18-24 are based on the heating means and heat shrink polymers, which with the premise that Nagai's ring is not intended for retinal reattachment and extraocular applications but rather intraocular application and is not made of biocompatible medical grade heat shrink materials, combination of heat shrink polymer and silicone material, polyolefin, and shape memory polymer, can be overcome.

Having responded to each and every rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR " 1.16 and 1.17 which may be required during the entire pendency of the application to the credit card used to pay the application fees.

Respectfully submitted,

Dated: July 6, 2007

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